

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

KIRE MCCALVIN,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. C-07-00054
	§	
NATHANIEL QUARTERMAN,	§	
	§	
Respondent.	§	

**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION ON PETITIONER'S MOTION
TO PROCEED *IN FORMA PAUPERIS***

On February 17, 2007, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that petitioner be found not indigent and that his application to proceed *in forma pauperis* (D.E. 2, 6) be denied; that petitioner be instructed to pay the filing fee within twenty (20) days of the date of entry of any order adopting the memorandum and recommendation or voluntarily dismiss the petition; and finally that petitioner be advised that failure to pay the fee within the time period proscribed may result in dismissal of his petition for failure to prosecute. On March 2, 2007, petitioner filed Objections to the Magistrate's Recommendations and on March 23, 2007, paid the required filing fee..


Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson* , 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the

Magistrate Judge.

Accordingly, the Court finds that petitioner is not indigent and his application to proceed *in forma pauperis* is denied as moot.

The clerk shall enter this order and provide a copy to all parties.

SIGNED this 27th day of March, 2007.



Janis Graham Jack
United States District Judge